

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
3 1300 I Street, Suite 125
P.O. Box 944255
4 Sacramento, CA 94244-2550
Telephone: (916) 327-6819
5 Facsimile: (916) 324-5567

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2008-169

12 **SANDRA JEAN BALKE**
Post Office Box 578
13 Ehrenberg, Arizona 85334

A C C U S A T I O N

14 Registered Nurse License No. 413061

15 Respondent.

16
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about June 30, 1987, the Board issued Registered Nurse License
24 Number 413061 to Sandra Jean Balke ("Respondent"). The license expired on August 31, 2007,
25 and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764, in pertinent part, that the expiration of a license shall
4 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
6 subdivision (b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
10 proceed with a disciplinary action during the period within which the license may be renewed,
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or
14 licensed nurse or deny an application for a certificate or license for any of
the following:

15 (a) Unprofessional conduct, which includes, but is not limited
16 to, the following:

17 (4) Denial of licensure, revocation, suspension, restriction, or
any other disciplinary action against a health care professional license or
18 certificate by another state or territory of the United States, by any other
government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be
conclusive evidence of that action.

20 COST RECOVERY

21 7. Code section 125.3 provides, in pertinent part, that the Board may request
22 the administrative law judge to direct a licensee found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

25 CAUSE FOR DISCIPLINE

26 (Out-of-State Discipline)

27 8. Respondent is subject to disciplinary action under Code section 2761,
28 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined

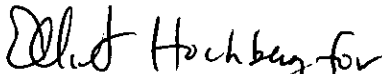
1 by the Arizona State Board of Nursing ("Board"). In the case entitled, *In the Matter of*
2 *Professional Nurse License No. RN 128780 Issued to: Sandra Jean Balke*, pursuant to the
3 Board's Findings of Fact, Conclusions of Law and Order No. 0609042, effective approximately
4 June 2, 2007, the Board revoked Respondent's Registered Nurse License No. RN 128780.
5 A copy of the Board's Order No. 0609042 is attached as **Exhibit A**, and is incorporated herein.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 413061 issued
10 to Sandra Jean Balke;
11 2. Ordering Sandra Jean Balke to pay the Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Code section 125.3; and,
13 3. Taking such other and further action as deemed necessary and proper.
14

15 DATED: 11/19/07
16

17 
18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
24
25
26